

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:21-cr-00190-APG-EJY

Plaintiff,

ORDER

v.

PAUL ENGSTROM, VINCENT CUOMO,
ABRAHAM ELLIOTT, and JOSEPH
KRIEGER,

Defendants.

On July 18, 2022, the Court issued an Order regarding the Government's Motion for a Protective Order Regarding Forfeitable Property Pending the Criminal Case after Defendant failed to timely respond to the Motion. Respectively, ECF Nos. 146 and 152. Twenty-two days after the Government filed its Motion, the Court received an untimely response from Defendant. ECF No. 155. On August 2, 2022, Defendant filed an Objection to the Order granting the Government's Motion. ECF No. 158. The Government's response to the Objection is due on August 16, 2022.

Defendant's present Motion (ECF No. 159), seeking leave to file a sur-reply to the Government's Motion for a Protective Order is, at best, improper as briefing on that Motion is complete, the issues presented therein are decided, and the sur-reply offers no information unavailable to Defendant at the time the Motion was originally filed that he could not have raised had he timely responded to the Motion.

Sur-replies are highly disfavored in this district and are only granted to address issues raised in a reply to which a party would otherwise be unable to respond. *See, e.g., FBNB-RESCON I LLC v. Ritter*, Case No. 2:11-cv-1867-JAD-VCF, 2014 WL 979930, at *6 (D. Nev. Mar. 12, 2014); *Lasko v. Am. Bd. of Surgery*, Case No. 2:13-cv-01893-JAD-NJK, 2014 WL 300930, at *1 (D. Nev. Jan. 27, 2014). No reply was filed by the Government and any concerns Defendant had with the Court's Order could and should have been addressed in his Objection.

Dated this 8th day of August, 2022.

ELAYNA J. YOUGHAN
UNITED STATES MAGISTRATE JUDGE